Supreme Court, U.S.
FILED
JAN 6 1986
JOSEPH F. SPANIOL, JR.
CLERK

85-1161
No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1985

FLOYD H. DANIELS,

Appellant and
Petitioner,

vs.

LOS ANGELES UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION OF THE CITY OF LOS ANGELES; HARRY HANDLER, SUPERINTENDENT OF SCHOOLS, In His Official Capacity,

Appellees and
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

FLOYD H. DANIELS
4650 Coliseum Street, Apt. #1
Los Angeles, California 90016
(213) 298-5113

In Propria Persona

Lorraine Mitchell - Legal Briefs
732 E. WASHINGTON BOULEVARD
LOS ANGELES, CALIFORNIA 90021
TELEPHONE (213) 747-5831

CONTENTS REPRODUCED FROM FURNISHED PRETYPED COPY.

QUESTIONS PRESENTED

The questions presented for review, are as follow:

A. Whether the Court of Appeals improperly denied the Petition for Rehearing, and rejected the suggestion for a Rehearing En Banc?

B. Whether Petitioner's Motions For Reconsideration, Motion To Grant Leave To File Second Amended Complaint, and Lodged Second Amended Complaint, that were filed in the District Court on April 16, 1984; and April 30, 1984, were filed correctly, and within the specified time?

C. Whether Petitioner's Second Amended Complaint Under the Jurisdictions of Title 42, U.S.C., Sections 1981, and 1983; Fourteenth Amendment; and 338(1) C.C.P., States A Claim Upon Which Relief Can Be Granted?

D. Has Petitioner, as a Citizen and a Teacher, been Deprived of a Right to Administer Corporal Punishment, and Penalized for the Exercise of that Right, Secured by the 14th Amendment of the United States Constitution?

E. Reasons Why Questions Presented are Substantial and Require Plenary Consideration.

PARTIES TO THE ACTION

1. FLOYD H. DANIELS, Petitioner herein.
2. LOS ANGELES UNIFIED SCHOOL DISTRICT: HARRY HANDLER, Superintendent of Schools; LOS ANGELES SCHOOL BOARD OF EDUCATION; RITA WALTERS, President; DR. ROBERT KLADIFKO, Principal; RON APPERSON, Legal Adviser To Los Angeles School Board, Parties herein in the capacity sued.
3. DE WITT CLINTON, MARTIN E. WEEKES,

Los Angeles County Counsel's Office, as Attorneys for respondents.

TOPICAL INDEX

	Page
Questions Presented	i
Parties to the Action	ii
Table of Authorities	
OPINIONS BELOW	2
JURISDICTION	3
STATUTORY OR CONSTITUTIONAL PROVISIONS INVOLVED	3
STATEMENT OF CASE	4
ARGUMENT	7
WHETHER THE COURT OF APPEALS IMPROPERLY DENIED THE PETITION FOR REHEARING, AND REJECTED THE SUGGESTION FOR A REHEARING EN BANC?	8
WHETHER PETITIONER'S MOTIONS FOR RECONSIDERATION, MOTIONS TO GRANT LEAVE TO FILE SECOND AMENDED COMPLAINT, AND SECOND AMENDED COMPLAINT THAT WERE FILED IN THE DISTRICT COURT ON APRIL 16, 1984; AND APRIL 30, 1984, WERE FILED CORRECTLY AND WITHIN THE SPECIFIED TIME?	
WHETHER PETITIONER'S SECOND AMENDED COMPLAINT UNDER THE JURISDICTIONS OF TITLE 42,	

Page

U.S.C., SECTION 1981; TITLE 42, U.S.C., SECTION 1983; FOURTEENTH AMENDMENT; AND 338(1) C.C.P., STATES A CLAIM UPON WHICH RELIEF CAN BE GRANTED? 16

1. TITLE 42, U.S.C. SECTION 1981 16

2. FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION 21

3. HAS PETITIONER, AS A CITIZEN AND A TEACHER, BEEN DEPRIVED OF RIGHT TO ADMINISTER CORPORAL PUNISHMENT, AND PENALISED FOR THE EXERCISE OF THAT RIGHT, SECURED BY THE 14th AMENDMENT OF THE UNITED STATES CONSTITUTION? 22

4. TITLE 42, U.S.C., SECTION 1983 28

5. CALIFORNIA TORT CLAIM ACT 32

6. STATUTE OF LIMITATIONS 33

REASONS WHY QUESTIONS PRESENTED ARE SUBSTANTIAL AND REQUIRE PLENARY CONSIDERATION 35

CONCLUSION 38

APPENDIX 40

Judgments and Final Orders 42-48

Petitioner's Letters to Principal Kladifko 49-66

TABLE OF AUTHORITIES

Cases:	Page
Baker v. McCollan 433 U.S. 135-56 (1979)	32,37
Betts v. Board of Ed. City of Chicago 466 F.2d. 629 (7th Cir. 1972)	15
Breier v. Northern Cal., Bowling Proprietors Ass'n 316 F.2d. 787 (9th Cir. 1963)	15
Donovan v. Reinbold 433 F.2d. 738 (9th Cir. 1971)	31
Ingrahm v. Wright 430 U.S. 65 (1977)	24,37
Johnson v. Railway Express Agency 421 U.S. 454 (1975)	18,19,34
McDonald and Laird v. Santa Fe Trial Trans. Co., et al., 427 U.S. 273 (1976)	19
Smith v. Cremins 308 F.2d. 187 (9th Cir. 1962)	34,35
Smith v. Hampton Training School for Nurses 300 F.2d. 577 (4th Cir. 1966)	30
United Steelworkers of America AFL-CIO v. Masker Bros. Ind. Inc. F.2d. 91 (8th Cir. 1972)	14

Cases: Page

Willis v. Reddin
418 F.2d. 702 (9th Cir. 1972) 30

Young v. International Telephone
and Telegraph Co.
438 F.2d. 757 (3rd Cir. 1971) 18,22

Codes:

42, U.S.C., Section 1981 16

42, U.S.C., Section 1983 28,30

California Codes

Section 338(1) 33

Section 49000 23

Section 44807 23,30

Section 49001 38

Rules:

Title 28, Federal Rules of
Civil Procedure

Rule 15(a) and (b) 14

Rule 59(b) 12

Rule 59(e) 12

Rule 60(b)(1) 12

First Amentment 38

14th Amendment 21,27

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1985

No._____

FLOYD H. DANIELS,

Appellant and Petitioner,

vs.

LOS ANGELES UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION OF THE CITY OF LOS ANGELES; HARRY HANDLER, SUPERINTENDENT OF SCHOOLS, In His Official Capacity,

Appellees and Respondents.

PETITION FOR A WRIT OF CERTIORARI

Petitioner, FLOYD H. DANIELS, petitions for a Writ of Certiorari to Review the Order of the United States Court of Appeals for the Ninth Circuit that was filed on November 19, 1985, in

which Appellant's Petition For Rehearing, and Suggestion For Rehearing En Banc, was denied and rejected. Appellant filed Petition For Rehearing on September 24, 1985. The above stated denial, and rejection, thereby, affirmed the United States District Court, for the Central District of California's Final Order, wherein, Petitioner's Motion For Reconsideration; Motion To Grant Leave to File Second Amended Complaint; and, Second Amended Complaint were denied in a Final Order, filed on May 30, 1984.

OPINIONS BELOW

The Memorandum Opinion, and Order of the Court of Appeals are reproduced in Appendix A, and B, to this Petition. Also, the District Court's Final Order is reproduced in Appendix C.

//////

JURISDICTION

The Order of the Court of Appeals was filed on November 19, 1985. (See Appendix A.) This Petition for a Writ of Certiorari is filed within ninety days of that date. (28 U.S.C., Section 2101(c).) The jurisdiction of this Court is invoked under 28 U.S.C., Section 1254(1).

STATUTORY OR CONSTITUTIONAL PROVISIONS INVOLVED

The principal Constitution provisions are the First, and Fourteenth Amendents of the Constitution of the United States of America. Also, Addressed is the proper application of Title 42, U.S.C., Sections 1981, and 1983. Also, addressed is the proper application of Rule 15(a) and (b), 59(b), 59(e), and 60(b)(1), Title 28, Federal Rules of Civil Procedure. Also, addressed is the proper

application of the California Code of Civil Procedure, 338(1). Also, adressed is the proper application of the California Education Codes, Section 49000, Section 44807, and Section 49001, regarding corporal punishment. These provisions are set in this Petition when it is appropriate to do.

STATEMENT OF CASE

Petitioner is a Black School Teacher employed by the Los Angeles Unified School District. On October 5, 1983, Petitioner gave three (3) 8th Grade Male Students one swat each, for continuing to misbehave in Petitutioner's classroom. During the Conference on October 24, 1983, Principal Kladifko(Caucasian) told Petitioner(Black) that Petitioner was not to swat any more students for misbehaving in Petitioner classroom. The Principal

gave Petitioner a copy of the "Guidelines For the Implantation of Corporal Punishment" (hereinafter "Guidelines"). As punishment, Principal Kladifko, gave Petitioner a "Notice of Unsatisfactory Act of Certified Employee". Principal Kladifko, also, told Petitioner that He, Principal Kladifko, was going to personally stull Petitioner the School Year, 1983-84. Petitioner had just received a satisfactory stull for the School Year, 1982-83. Petitioner is a Permanent Teacher, and Permanent Teachers are stulled every other Year.

On November 11, 1983, Petitioner wrote a letter to Superintendent, Handler, and Board of Education. Petitioner requested, and asked the Superintendent, and Board of Education to revoke the "Notice of Unsatisfactory Act of Certified Employee; and, disallow Petitioner from

being stulled again for the School Year, 1983-84. Petitioner, also, requested, and asked the Superintendent, and Board of Education to modify the "Guidelines".

The Superintendent, and Board of Education refused Petitioner's request in a letter, dated November 29, 1981, thereby, condoning, and accepting Principal Kladifko's Racial Discriminatory Action.

The Los Angeles Unified School District (hereinafter "District") was created by the State of California. The District operates under the Sections of the State of California Education Codes.

The District considered and approved the Guidelines For the Implemation of Corporal Punishment, excluding the classroom teachers of the District. Petitioner was, and is a classroom

Teacher.

As a result, Petitioner was racially discriminatory deprived of Petitioner's Rights as a Citizen, and Teacher under color of Law, as "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States....without 'Due Process of Law'..., and 'Equal Protection of the Laws", secured by the 14th Amendment of the United States Constitution.

Petitioner filed a Complaint in the District Court on January 12, 1984.

Petitioner's Court action will be discussed, and argued in the below Argument.

ARGUMENT

Petitioner present the following argument in his behalf.

I.

WHETHER THE COURT OF APPEALS IMPROPERLY DENIED THE PETITION FOR REHEARING, AND REJECTED THE SUGGESTION FOR A REHEARING EN BANC?

The Court of Appeals have questioned the timeness of Petitioner's Motions in the District Court, and have used this ground to affirm the District Court's Final Order that was filed on May 30. 1984. (See memorandum, Appendix B"). ("Also, See Appendix D").

II.

WHETHER PETITIONER'S MOTIONS FOR RECONSIDERATION, MOTIONS TO GRANT LEAVE TO FILE SECOND AMENDED COMPLAINT, AND SECOND AMENDED COMPLAINT THAT WERE FILED IN THE DISTRICT COURT ON APRIL 16, 1984; AND APRIL 30, 1984, WERE FILED CORRECTLY, AND WITHIN THE SPECIFIED TIME?

United States Magistrate, Venetta S. Tassopulos's Proposed Recommendation to Dismiss, with Leave To Amend, was filed on March 8, 1984.

Petitioner filed First Amended Complaint in the District Court on March 19, 1984.

On March 28, 1984, Petitioner received information by telephone of some regular Teachers administering corporal punishment at Petitioner's Employment School Site. This information had to be checked out, and validated. Two of the Teachers had transferred to other schools. As a result, this took some time to validate the "Newly Discovered Evidence".

The newly discovered evidence consisted of five (5) Teachers, who worked at the very same School that Petitioner worked, and under the very same Principal Kladifko. The five (5) Teachers were not a Principal, not an Assistant Principal, and not an Administrative Dean, who were given permission by the very same Principal Kladifko to administer corporal

punishment. These five (5) Teachers administered corporal punishment at the very same school, and under the very same Principal Kladifko that had deprived Petitioner of the Right to administer corporal punishment; and punished Petitioner for administering corporal punishment. These five (5) Teacher were not denied the Right to administer corporal punishment, and were not punished for administering corporal punishment. These five (5) Teachers administered corporal punishment at some period of time during the School Year, 1981-82. through the School Year, 1983-84.

When the above stated "Newly Discovered Evidence" was assembled, and validated, Petitioner filed a Motion For Reconsideration, pursuant to 59(b); Motion To Grant Leave To File Second Amended Complaint, pursuant to Rule 15(a) and (b);

and Lodged a Second Amended Complaint in the District Court on April 16, 1984, while Petitioner's First Amended Complaint was still pending, and was still being considered by the District Court.

Therefore, Petitioner could ask for a new trial because a Trial had not been held in Petitioner Cause of Action on the above April 16, 1984, date.

Due to an Inadvertent Mistake in the transfer of Cases from the Magistrate, to the Honorable New Judge; the New Judge dismissed Petitioner's First Amended Complaint without even considering Petitioner's Motion For Reconsideration; Motion For Leave To Amend; and Lodged Second Amended Complaint that had been filed and lodged in the District on April 16, 1984. The District Judge dismissed Petitioner's First Amended Complaint in a Judgment Order, entered in the District

Court on April 25, 1985.

As a result of the above stated Inadvertent Mistake by the District Court, Petitioner filed Motion For Reconsideration in the District Court on April 30, 1984, pursuant to Rules 60(b)(1), 59(b), and 59(e).

Rule 59(e) Title 28, Federal Rules of Civil Procedure; a Motion to alter or amend the judgment shall be served not later than ten (10) days after entry of the judgment.

Rule 59(b), Title 28, Federal Rules of Civil Procedure; "Newly Discovered Evidence", shall be served not later than 10 days after entry of the judgment.

The District Court's Judgment was filed in the District Court on April 25, 1984; and Petitioner filed his Motion For Reconsideration, in the District Court on April 30, 1984, well within the 10 Days

Limitation.

Along with the Motion For Reconsideration, Petitioner filed a Motion For Leave To File a Second Amended Complaint, and Lodged a Second Amended Complaint in the District Court on April 30, 1984, pursuant to Rule 15(a) and (b).

Because of the Inadvertent Mistake, Petitioner had a Right to file a Motion For Reconsideration, Motion For Leave To File a Second Amended Complaint, and Lodge a Second Amended Complaint in the District Court on April 30, 1984.

The District Court acknowledged the above stated Inadvertent Mistake by entering a Judgment of Civil Minutes, dated May 17, 1984, as follows, In pertinent part:

> "Judgment having been entered, Plaintiff's Motion for Reconsideration filed April 16, 1984 is off calendar as moot."

"Plaintiff's renewed Motion for Reconsideration filed after entry of Judgment on April 30, 1984 is set for hearing before the Honorable Harry L. Hupp on June 4, 1984." Appendix D.

Petitioner, also had Right to file Motion For Leave To File Second Amended Complaint in the District Court on April 30, 1984, to "Conform To the Evidence", in order to establish jurisdiction, pursuant to Rule 15(b), in pertinent part:

"(b). Amendments to conform to the Evidence.
When issues not raised in the pleading are tried by express or implied consent of parties they shall be treated in all respect as if they had been raised in the pleadings, such amendment of the pleadings may be necessary to cause them to conform to the evidence and to raise these issues may be made upon any party at any time even after judgment."

To establish jurisdictions:

"Leave to amend pleading should be freely granted when necessary to establish jurisdiction." United Steelworkers of America AFL-CIC v. Masker Bros. Ind. Inc., 457 F.2d., 91 (8th Cir. 1972).

To establish jurisdiction of the "Equal Protection of the Laws":

> "Upon remand, plaintiff could as a matter of course amend her civil rights complaint to allege violation of equal protection Clause."
>
> Betts v. Board of Ed., City of Chicago, 466 F.2d., 629 (7th Cir. 1972).

Also:

> "Leave to amend should be allowed unless complaint cannot under any conceivable state of facts be amended to state a claim."
>
> Breier v. Northern Cal., Bowling Proprietors Ass'n, 316 F.2d., 787 (9th Cir. 1963).

Based upon the above, Petitioner has filed Motions For Reconsideration; Motions For Leave To File a Second Amended Complaint; and, Lodged Second Amended Complaints, in the District Court on April 16, 1984, and April 30, 1984, correctly, and within the specified time.

III.

WHETHER PETITIONER'S SECOND AMENDED COMPLAINT UNDER THE JURISDICTIONS OF TITLE 42, U.S.C., SECTION 1981; TITLE 42, U.S.C., SECTION 1983; FIRST AMENDMENT; FOURTEENTH AMENDMENT; AND 338(1) C.C.P., STATES A CLAIM UPON WHICH RELIEF CAN BE GRANTED?

1. TITLE 42, U.S.C., SECTION 1981.

During the Conference on October 24, 1983, Principal Kladifko(Caucasian) deprived Petitioner(Black) of the Right to administer corporal punishment, and severly punished Petitioner for administering corporal punishment, by giving Petitioner an Unsatisfactory Act of Certified employee; and stulling Petitioner two years in succession. This is Racial Discrimination in Teacher Employment. This Racial Discrimination is a carry over of the Racial Discrimination performed by Principal Kladifko on May 23, 1983, when Principal Kladifko "breached" the "Oral

Contract" in Promotional Teachers Employment, with Petitioner because Petitioner was a Black Man. This Racial Discrimination in Teacher Employment was continued during the stulling of Petitioner by excessive classroom visits,and by putting documents in Petition's File that was not supposed to be put in Petitioner's File. Principal Kladifko, also, denied an administrator, who visited Petitioner's Classroom, to file a good report of her classroom visit; and give Petitioner a copy of the good report. This is substantiated by Petitioner's three (3) letters to Principal Kladifko about this Racial Discrimination in Teacher Employment, in Appendixs E,F, and G.

Based upon the above statements, and the three (3) letters in the Appendix, this is straight out disgraceful

unwarranted, and ridiculous Racial Discrimination in Teacher Employment.

As a result, I, FLOYD H. DANIELS, Black(Negro Decent) Petitioner, Teacher, and a Citizen of these United States of America has been Racially deprived of my Rights under color of Law, by the denial of the "Equal Protection of the Laws", without "Due Process of Law", guaranteed by the Fourteenth Amendment of the United States Constitution. This is Racial Discrimination in Private Employment, pursuant to Title 42, U.S.C., Section 1981.

This United States Supreme Court has Ruled:

> "B. Title 42, U.S.C., Section 1981, being the present codification of one of the centry-old Civil Rights Acts of 1866, 14 Stat. 27, on the other hand, on its face relates primarily to racial discrimination in making and enforcement of contracts.

Although this court has not specifically so held, it i well settled among the federal courts of appeals -- and we now join them -- that 1981 affords a federal remedy against discrimination in private employment on the basis of race. An individual who establishes a cause of action under 1981 is entitled to both equitable and legal relief, including compensatory and under certain circumstances, punitive damages."

Johnson v. Railway Express Agency, 421 U.S. 454 (1975).

This Supreme Court, again, Ruled:

"Title 42, U.S.C., 1981 provides in pertinent part that all persons within the Jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts.... as is enjoyed by white citizens... We have previously held where discrimination against Negroes was in question, that 1981 afford a federal remedy against discrimination in private employment on the basis of race, and respondents do not contend otherwise."

McDonald and Laird v. Santa Fe Trail Transportation Co., et al., 427 U.S. 273, (1976).

Petitioner has the Right to file

this Racial Discrimination in the Federal Court, pursuant to Title 42, U.S.C., Section 1981.

The Court of Appeals for the Third Circuit, have held:

> "We conclude that nothing in Title VII of the Civil Rights Act of 1964, imposes any jurisdictional barrier to a suit brought under Section 1981 charging discrimination in private employment."
>
> Young v. International Telephone and Telegraph Co., 438 F.2d., 757, (3rd. Cir. 1971).

This Supreme Court, Ruled:

> "Despite Title VII's range and its design as a comprehensive solution for the problem of invidious discrimination in employment, the agrieved individual clearly is not deprived of other remedies he possesses and is not limited to Title VII in his search for relief. 'The legislative history of Title VII manifest a congressional intent to allow an individual to pursue independently his rights under both Title VII and other applicable state and federal statutes."

Johnson v. Railway Express Agency, 421 U.S. 454 (1975).

Therefore, Title VII of the Civil Rights Act of 1964, do not have any jurisdictional barrier to Title 42, U.S.C. Section 1981.

Based upon the above, Petitioner is entitled to legal relief under Title 42, U.S.C., Section 1981.

2. FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

Petitioner(Black) as a Citizen of these United States of America has been Racially deprived of Petitioner's Rights under color of Law, by the denial of the "Equal Protection of the Laws", without "Due Process of Law", guaranteed by the 14th Amendment of the United States Constitution.

The 14th Amendment, as follows:

"All persons born or naturlized

in the United States, subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside."

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction of the equal protection of the laws."

3. HAS PETITIONER, AS A CITIZEN AND A TEACHER BEEN DEPRIVED OF A RIGHT TO ADMINISTER CORPORAL PUNISHMENT, AND PENALIZED FOR THE EXERCISE OF THAT RIGHT, SECURED BY THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION?

During the Conference on October 24, 1983, Principal Kladifko yellow penciled the following of the "Guidelines", and gave the "Guidelines" to Petitioner.

"Corporal punishment must be administered by the Principal, Assistant Principal, or an Administrative Dean, and always in the presence of another member of the school staff."

The California Education Code 49000, as follows:

"Administration of Punishment to Pupils."

"The governing board of any school district may adopt rules and regulations authorizing teachers, principals, and other certificated personned to administer reasonable corporal or other punishment to pupils when such action is deemed an appropriate corrective measure except and to the extent that such action is permissible as provided in Section 49001."

The California Education Code 44807, as follows:

"Duty concerning conduct of Pupils."

"Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during performance of his duties, of the same degree of physical control over a pupil

that a parent would legally privileged to exercise but which in no event shall exceed the amount of physical control reasonable necessary to maintain order, protect property, or protect health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to, and do not supersedes the provisions of Section 49000."

This Supreme Court has Ruled:

"It is not unconstitutional for school teachers to administer corporal punishment to misbehaving pupils. Such punishment is not "cruel and unusal" nor does failure to provide notice or hearing violate due process."

Ingrahm v. Wright, 430 U.S. 65 (1977).

Based upon the above quoted Education Codes, and this above quoted Supreme Court's Ruling, Petitioner, as a "School Teacher" had, and has the Right "to administer corporal punishment to misbehaving pupils".

The one swat each given by Petitioner

on October 5, 1983, were not excessive, or wanton, and there are no permanent scars on any of the three (3) students.

Petitioner was, and is required by the school administrators, and parents to counsel, and use disclipinary measures in order to maintain strict discipline in Petitioner's Classroom, whereby, an effective learning process will take place on the part of all of the students in Petitioner's Classroom.

In attempting to improve the discipline problems, petitioner contacted many parents, including the parents of the three (3) students that petitioner gave one (1) swat each on October 5, 1983. There are three (3) Notorized documents, whereby, the parents of the three (3) students that were given one (1) swat each, gave Petitioner the permission and Right to swat their child for misbehaving in

Petitioner's Classroom.

Petitioner secured from the parents the permission and Right to administer corporal punishment in order that Petitioner could have complete control in his classroom, whereby, a more effective teaching process could be performed in order to bring about a more effective learning process on the part of all of the students in Petitioner's Classroom. Petitioner secured the permission and Right from the parents in order to develop and educate all of the students in Petitioner's Classroom in order that all of the students in Petitioner's Classroom could become proud, good, and productive citizens of this great Nation, instead of being a liability, and a disgrace to our Nation.

Based upon the above quoted "Guidelines" Petitioner, as a classroom teacher

was excluded, and denied the Right to administer corporal punishment to misbehaving students in Petitioner's Classroom.

The above 14th Amendment, in pertinent part:

> "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction of the equal protection of the laws."

Petitioner has been racially discriminatory deprived of the protection of the above quoted 14th Amendment, under color of Law, pursuant to Title 42, U.S.C., Section 1981; and Title 42, U.S.C., Section 1983, without "Due Process of Law", secured by the 14th Amendment of the United States Constitution.

Based upon the above quoted State of California Education Codes; this Supreme

Court's above Ruling, "Ingrahm v. Wright" Case, and the above statements, Petitioner, as a Citizen, and a Teacher, has been racially discriminatory deprived of His Rights under color of Law; and Penalized for the Exercise of Petitioner's Rights, pursuant to Title 42, U.S.C., Section 1981; Title 42, U.S.C., Section 1983, by denial of the "Equal Protection of the Laws", without "Due Process of Law", secured by the above quoted 14th Amendment.

Based upon the above, Petitioner, hereby, respectfully request, and ask this Supreme Court to grant Petitioner the Right, as Teacher, to administer corporal punishment to misbehaving pupils.

4. TITLE 42, U.S.C., SECTION 1983.

On November 11, 1983, Petitioner wrote a letter to Superintendent Handler, and Board of Education. Petitioner

requested, and asked the Superintendent, and the Board of Education to revoke the "Notice of Unsatisfactory Act of Certified Employee"; and, disallow Petitioner from being stulled again for the School Year, 1983-84. Petitioner, also, requested, and asked the Superintendent, and Board of Education to modify the "Guidelines" by granting teachers of this School District the Right to administer corporal punishment to misbehaving students in their classroom.

The Superintendent, and Board of Education refused, and denied Petitioner's request in a letter, dated November 29, 1983.

As a result, Petitioner was racially, discriminatory deprived of Petitioner's Rights under color of Law, pursuant to Title 42, U.S.C., Section 1983.

Title 42, U.S.C., Section 1983, as follows:

> "Every person who, under color of any statute, ordinance, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

The United States Court of Appeals for the Fourth Circuit, held:

> "This section was designed to provide a comprehensive remedy for deprivation of constitutional Rights."

Smith v. Hampton Training School For Nurses, 300 F.2d., 577 (4th Cir. 1966).

The United States Court of Appeals for the Ninth Circuit, held:

> "Compensatory damages awardable in a Civil Rights Act Case are not limited to the out-of-pocket

pecuniary loss suffered by complaint and may be awarded for emotional and mental distress caused by intentional tort."

Donovan V. Reinbold, 433 F.2d., 738 (9th Cir. 1970).

Petitioner has been racially discriminatory deprived of Petitioner's Rights under color of Law, pursuant to the above quoted Title 42, U.S.C., Section 1983; and Title 42, U.S.C., Section 1981 by denying Petitioner the "Equal protection of the Laws", without "Due Process of Law"; and Penalized for the exercise of Petitioner's First Amended Rights, secured by the First Amendment, and Fourteenth Amendment of the United States Constitution.

Therefore, Petitioner has been "deprived of a Right secured by the Constitution and Laws.

In support of the above, this

United States Supreme Court has Ruled:

> "For Section 1983 imposes liability only upon one 'who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States, or other persons within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities, secured by the Constitution and laws.....'
> The first inquiry in any Section 1983 suit, therefore, is whether the plaintiff has been deprived of a right "secured by the constitution and laws."
>
> Baker v. McCollan, 443 U.S. 137-56 (1979).

5. CALIFORNIA TORT CLAIM ACT.

The Court of Appeals for the Ninth Circuit, held:

> "Provisions of California Tort Claim Act requiring presentation of claim to public entity within 100 days after accural of cause of action and commencement of action within six months after claim has been acted upon would not be applied to impair federally

created right of plaintiff to recover from police officer for acts allegedly committed under color of state law to deprive plaintiff of right to bail because he was a Negro."

Willis v. Reddin, 418 F.2d., 702 (9th Cir. 1960).

6. STATUTE OF LIMITATION.

Dr. Harry Handler, Superintendent of Schools, and the Board of Education, denied Petitioner's above stated request in a letter, dated November 29, 1983. Petitioner filed his Complaint in the District Court on January 12, 1984, well within the three (3) year statute of limitation of 338(1) C.C.P.

The California Code of Civil Procedure, Section 338(1) as follows:

"Within three years:

(1) An action upon a liability created by statute, other than a penalty or forfeiture."

The Court of Appeals, for the Ninth

Circuit, held:

> "Since federal Civil Rights Acts contain no provision limiting time within which action thereunder may be brought, applicable period of limitation is that provided by state."
>
> Smith v. Cremins, 308 F.2d., 187 (9th Cir. 1962).

The Court of Appeals for the Third

Circuit, held:

> "There is no federal statute of limitations applicable to 1981, and the federal courts would look to the most nearly analogous state statute of limitations."
>
> Young v. International Telephone and Telegraph Co., 438 F.2d., 757 (3rd Cir. 1971).

This United States Supreme Court,

Ruled:

> "A. Since there is no specifically stated or otherwise relevent federal statute of limitations for a cause of action under 1981, the controlling period would ordinarily be the most appropriate one provided by state law."
>
> Johnson v. Railway Express Agency, 421 U.S. 454 (1975).

The Court of Appeals for the Ninth Circuit, held:

> "California statute providing that actions on liability created by statute must be brought within three years was applicable to action under federal Civil Rights Act, and not one-year California Limitations Statute."
>
> Smith v. Cremins, 308 F.2d., 187 (9th Cir. 1962).

Based upon the above Petition, Petitioner has stated a Claim Upon Which Relief Can Be Granted.

IV.

REASONS WHY QUESTIONS PRESENTED ARE SUBSTANTIAL AND REQUIRE PLENARY CONSIDERATION.

Petitioner has stated a Claim Upon Which Relief Can Be Granted in this Cause of Action.

The lower Courts have abused their discretions by denying Petitioner the "Equal Protection of the Laws", without

"Due Process of Law", guaranteed by the 14th Amendment of the United States Constitution.

The 14th Amendment of the United States Constitution states, in pertinent part: "All persons.... are Citizens of the United States and of the state, wherein they reside."

Petitioner is very definitely, a part of the above quoted, "All persons... are Citizens of the United States", and resides in the State of California.

This Supreme Court has the Power, and Duty to Interpret, Uphold, and Protect the Constitution of the United States, and Territories.

Petitioner has been racially deprived of His Rights under color of Law, pursuant to Title 42, U.S.C., Section 1983; Title 42, U.S.C., Section 1981, by the denial of the "Equal Protection of the Laws",

without "Due Process of Law", secured by the 14th Amendment of the United States Constitution.

As a result, Petitioner has been deprived of a Right, "secured by the constitution and laws", Baker v. McCollan, 433 U.S. 137-56 (1979).

The above is very substantial, and require plenary consideration by this United States Supreme Court.

Petitioner, as a Citizen, and a Teacher, was denied, and penalized for administering corporal punishment to misbehaving pupils.

This Supreme Court has Ruled:

> "It is not unconstitutional for school teachers to administer corporal punishment to misbehaving pupil. Such punishment is not "cruel and unusal" nor does failure to provide notice or hearing violate due process."
>
> Ingrahm v. Wright, 430 U.S. 65 (1977).

The above statement, and this above quoted Supreme Court's Ruling are very substantial, and require plenary consideration by this Supreme Court.

The California Education Code, Section 49001, "Prohibition of corporal punishment without written parental consent", is in conflict with this above Supreme Court's Ruling, Ingrahm v. Wright. This is very substantial, and require plenary consideration by this Supreme Court.

When Principal Kladifko asked Petitioner if he had in fact swatted the three (3) pupils, Petitioner said, "Yes, I did", pursuant to Petitioner's First Amendment Rights.

CONCLUSION

For the foregoing reasons, as stated

in this Petition For A Writ of Certiorari, Petitioner respectfully request, and ask this United States Supreme Court to reverse the Order of the Court of Appeals for the Ninth Circuit, filed on November 19, 1985; and the Order of the District Court, filed on May 30, 1984. Petitioner respectfully request, and ask this Supreme Court to remand that the District Court issue an Order for a Pre-trial in this Cause of Action, in accordance with Local Rule #9;and, consistant with this United States Supreme Court's Opinion.

DATED: January 2, 1985.

Respectfully Submitted,

FLOYD H. DANIELS

In Propria Persona.

APPENDIX

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1985

No. _____

FLOYD H. DANIELS,

Appellant and Petitioner,

vs.

LOS ANGELES UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION OF THE CITY OF LOS ANGELES; HARRY HANDLER, SUPERINTENDENT OF SCHOOLS, In His Official Capacity,

Appellees and Respondents.

APPENDIX

A. JUDGMENTS, FINAL ORDERS AND PETITIONER'S LETTERS

1. Court of Appeals' Final Order, filed November 19, 1985, page 42.
2. Court of Appeals' Memorandum, filed September 13, 1985, page 44.

3. Federal District Court's Final Order, filed May 30, 1984, page 47

4. Federal District Court's Judgment of Civil Minutes, filed May 17, 1984, page 48.

4. Petitioner's Letter to Principal Robert Kladifko, dated November 19, 1983, page 49.

5. Petitioner's Letter to Principal Robert Kladifko, dated March 3, 1984, page 53.

5. Petitioner's Letter to Principal Robert Kladifko, dated May 2, 1984, page 61.

APPENDIX A

FILED Nov. 19, 1985.

CLERK, U.S. COURT OF APPEALS.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FLOYD H. DANIELS	)C.A. Nos.
	)
Plaintiff-Appellant,	)84-6047,
	)84-6070
vs.	)
	)D.C. Nos.
LOS ANCELES UNIFIED	)
SCHOOL DISTRICT, BOARD	)CV 84-0227-HLH
OF EDUCATION OF THE	)CV 84-0229-CBM
CITY OF LOS ANGELES,	)
et al.,	)ORDER
Defendants-Appellees.	)
	)

Before: TANG, POOLE and BEEZER, Circuit Judges.

The panel has voted to deny the petitions for rehearing and to reject the suggestions for rehearing en banc.

The full court has been advised of the suggestions for rehearing en banc and no judge in active service has requested a vote to rehear the matters en banc.

Pursuant to Rule 35(b) of the Federal Rules of Appellate Procedure, the petitions for rehearing are denied and the suggestions for rehearing en banc are rejected.

APPENDIX B

FILED September 13, 1985.

CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FLOYD H. DANIELS Plaintiff-Appellant, vs. LOS ANGELES UNIFIED SCHOOL DISTRICT, BOARD OF EDUCATION OF THE CITY OF LOS ANGELES, et al., Appeelees-Respondents.	C.A. No. 84-6047 D.C. No. CV 84-0227-HLH MEMORANDUM*

On Appeal From the United States District Court for the Central District of California
The Honorable Harry L. Hubb, District Judge, Presiding

Submitted -- June 17, 1985**

Before: TANG, POOLE and BEEZER, Curcuit Judges.

Daniels claims that the district court abused its discretion by denying his motion for relief from judgment on

the basis of "newly discovered evidence." Fed. R. Civ. P. 60(b)(2). Because Daniels' complaint was dismissed for failure to state a cause of action, the existence of "newly discovered evidence" is irrelevant. Moreover, Daniels' affidavit reveal that the "newly discovered evidence" was discovered either before the entry of judgment or "in time to move for a new trial under Rule 59(b)."

Id.

---

*This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 21.

*The panel unanimously finds this case for decision without oral argument. Fed. R. App. P. 34(a); Ninth Circuit Rule 3(f).

Daniels also claims that the district court abused its discretion by denying

his motion for leave to file a second amended complaint. Daniels did not file that motion until five days after the district court dismissed his complaint without leave to amend. The second amended complaint was based on the same essential legal theory. Under these circumstances, the district court did not abuse its discretion.

AFFIRMED.

APPENDIX C

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

CASE NO: CV 84-0227-HLH

DATE: May 30, 1984

TITLE: FLOYD H. DANIELS vs. L.A. Unified School District

PRESENT:

HON. HARRY L HUPP, JUDGE

Robert Bolton
Deputy Clerk

PROCEEDINGS: ORDER

Motion denied. Aside from the fact no cause of action is stated either against the school district or the superintendent (who are not alleged to have done anything), it is the height of folly to argue that the plaintiff has a constitutional right to "swat" children when the school district has a policy against it The judgment will stand.

The motion being frivolous, the matter is taken of the calendar for oral argument for June 4, 1984, and is determined by this minute order. Clerk to give notice

Initials of Deputy Clerk R.B.

APPENDIX D

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

CASE NO: CV 84-0227-HLH(T)

DATE: May 17, 1984

TITLE: FLOYD H. DANIELS vs. LOS ANGELES UNIFIED SCHOOL BOARD OF EDUCATION OF THE CITY OF LOS ANGELES, et al.

PRESENT:

HONORABLE VENETTA S. TASSOPULOS,
U.S. MAGISTRATE

Yvonne Estrada
Deputy Clerk

PROCEEDINGS: IN CHAMBERS MINUTE ORDER. RE: Plaintiff's MOTION FOR RECONSIDERATION.

Judgment having been entered, Plaintiff's Motion for Reconsideration filed on April 16, 1984 is off calendar as moot.

Plaintiff's renewed Motion for Reconsideration filed after entry of judgment on April 30, 1984 is set for hearing before the Honorable Harry L. Hupp on June 4, 1984.

COPIES: JUDGE HUPP
PARTIES
MICRO

Y.E.
Initials of Dep. Clerk

APPENDIX E

Floyd H. Daniels
4650 Coliseum Street, #1
Los Angeles, California 90016
November 19, 1983

Dr. Robert Kladifko, Principal
Horace Mann Junior High School

Dear Sir:

I was very surprised to have received a letter from you Friday, November 18, 1983. This letter, dated November 16, 1983, is regarding a "Stull Initial Planning."

First, I think you have a misunderstanding in this matter.

I came into your office accompanied by my T.A., Mr. Gleason, during 5th period on Tuesday, November 15, 1983. After I entered your office, I presented, and gave you a copy of the letter that I had written, and appealed to Dr. Harry Handler, Superintendent of Schools. I then, told you that one of the issues was the unwarranted discriminatory

stulling of Me, Floyd H. Daniels, a Permenent Teacher, two (2) years in succession. I then, requested that you kindly suspend the stull evaluation of me until such time that Dr. Handler rules on the matter.

I thought, and still think that the above request was a reasonable request to the average reasonable man.

However, you became angry, and asked Mr. Gleason to leave the office.

You then threatened me by saying that you would give me another "Notice of Unsatisfactory Act of Certified Employee; and would seek to have me displaced by the District if I refused to be stulled.

Dr. Kladifko, the misunderstanding is that I asked you to suspend the stull. I did not ask that I not be stulled during the conference because the Stull Issue was, and still is up to Dr. Handler.

I am not going to comment on this Stull Issue, because it would not be fair to Dr. Handler.

You told me during the conference that I could type up the stull worksheet from last year stull worksheet.

I left your office, an went up to my room. I could not find my worksheet. I came back into your office, and asked you for a worksheet. You gave me a worksheet, and I told you that I would have it in Monday. I thought that this was the end to this. After all, I do not lie.

Therefore, I did not see any need for the above stated letter, particular the last verse.

Dr. Kladifko, what I am very concerned about at this time, is your state of mind toward me. Just let us face it, y r mind is truly bias toward me at this time. A few weeks ago, you did not speak

to me at all for a period of approximately two (2) week. You have not spoken to me since I gave you a copy of the letter that I wrote, and appealed to Dr. Handler.

This kind of atmosphere can not, and will not produce a true, honest, and effective stull evaluation of me.

Therefore, I am kindly requesting that you designate another administrator to conduct the Stull, Namely Ms. E. Fugerson, Assistant Principal.

Respectfully Submitted,

Floyd H. Daniels

Floyd H. Daniels

Copy: File.

APPENDIX F

Floyd H. Daniels
4650 Coliseum Street, #1
Los Angeles, California 90016
March 3, 1984

Dr. Robert Kladifko, Principal
Horace Mann Junior High School

Dear Sir:

This letter is concerned with You, Dr. Robert Kladifko, Principal, visiting my classroom six (6) times this 1983-84 School Year for the purpose of evaluation, and harassment. Three (3) of your visits are in my letters to you, and they are filed as exhibits in my two (2) Complaints filed in the United States Federal District Court.

The other three (3) that I am concerned with in this letter, are your visits to my classroom on three (3) Fridays within the last month. They are, as follows:

1. Friday, February 10, 1984.
2. Friday, February 17, 1984.

3. Friday, March 2, 1984.

FRIDAY, FEBRUARY, 10, 1984.

When you visited my classroom on February 10, 1984, my first Period Mathematics Class was taking their weekly Mathematics Test in Adding Fraction. My T.A. gave you a test paper.

When I came in for a conference, you handed me a document where someone had penciled in the dates in which Mathematics Activities were to be taught. I had never seen this kind of documnet before the date of the conference. I polled each member of the Mathematics Department, except the Chairman, and each one said that they did not know about the document with dates. You said according to the document, I was supposed to be teaching decimals at the time. I then asked you, "when is the date of the CTBS Test?" You said, March 20, 1984." The

document that you gave were to start teaching Fractions on March 19, 1984. I then told you that the second part of the CTBS Test dealt with Fractions, and it would be very dumb to start teaching fractions one day before the test.

Also, in polling the Mathematics Teachers, I found that I was the only Teacher that you gave the above document to, and complained about what the teacher was teaching. This is outright discrimination, as two (2) other Mathematics Teachers said that they were, also, teaching Fraction at that time. Since I had already taught Decimals, and was teaching Fractions, I should have been complimented, instead of being reprehended.

FRIDAY, FEBRUARY 17, 1984.

I had sent my T.A. to the English Office next door to call some parents.

At 2:20 p.m., my T.A. came back to the classroom and told me that you had come in the English Office. My T.A. said that he offered you the use of the telephone. This, you said, "no". Five minutes later, you came in my classroom, which was about ten (10) minutes before the close of School for a Three (3) Day Week-end. I had told my students to turn in their test papers, and pick up all of the loose paper on their desks, and floor. I, also, told the students to arrange all of the desks in straight rows. This is what the students were doing when you came in the room. The students had a right to be doing what I had instructed them to do. Later, you complained about this. As a Teacher, I has the Right to teach the students how to leave the classroom in proper order before they leave for the week-end.

FRIDAY, MARCH 2, 2984.

My T.A., and I had come to the conclusion that there may be some incorrect answers on the answer key for the weekly test. After everyone was given a test paper, and started working, I sat down at the T.A.'s Table, and went over the answer key. I found two (2) answers that had been accidently miswritten. I corrected this, and gave the T.A. a corrected answer key, in order that all of the students" papers would be graded fairly. I then proceeded to walk around the classroom. As a Teacher, I had the Right to sit down and correct an answer key in order that the students' Test Papers would be graded fairly.

The test papers, and extra work papers were locked up in the steel filing cabinet. You complained about this. I do this becuaseI have two (2) 8th grade

classes, and three 9th grade classes; and I do not want any of my tests, and extra worksheets getting out of the classroom, and into the hands of students in my other mathematics classes. As a Teacher, I has the Right to put my tests, and extra worksheets in the steel filing cabinet, lock them up, and use them as we need them.

You said that Ronald Waltrop left my classroom, and I did not know it. This is not true. The fact is, Ronald came to my classroom very late. I counseled with Ronald, and told Ronald that I was going to call his Father. An Agent came to my room, and asked, "has Ronald left your room?" To this, I said, "no". The Agent just asked the wrong question. I did not volunteer any additional information as I thought this was what the Agent wanted to know at that

time. I am not responsible for Ronald writing on the walls because Ronald was late for class, because I am not permitted to leave my class to go and get Ronald, or go and see Ronald write on the walls.

When the workmen were putting and painting walls in the Hall, I got one of the workmen to repair a hole in one wall of my classroom. After this was completed, I put some desks next to the wall in order to protect the wall. I was not, and still not about to let any students knock a hole in the wall again, and write on the wall. As a Teacher, I have the Right to do an affective job of teaching without being bothered by some students knocking a hole in the wall, or writing on the wall, while I am explaining problems at the board, overhead machine, or helping students at their seats. During these three (3) above stated visits,

You, as Principal, have never offered the courtesy to say hello to me, or my T.A. This is very rude, and the students have made comments about this to me, and my T.A. We, as Teachers, do not walk into your office like that.

According to the Faculty Roster, at the beginning of the School Year, we had sixty-three (63) Teachers, four (4) Administrators, and one (1) Nurse. I am not being stulled by you; and you have visited my classroom six (6) times; and three (3) times within the past month. I am wandering if you are visiting all of the other teachers here at Mann Junior High School six (6) times this school year. This is very serious, as all Teachers here at Mann Junior High School are to be treated, and visited equally by the Principal and Administrators.

Floyd H. Daniels

APPENDIX G

Floyd H. Daniels
4650 Coliseum Street, #1
Los Angeles, California 90016
May 2, 1984

Dr. Robert Kladifko, Principal
Horace Mann Junior High School

Dear Sir:

Today, May 2, 1984, I received a notice from you for a conference Tomorrow, Thursday, May 3, 1984, during the 5th period. This is my conference period. This conference is in regard to class visits to my classroom this School Year, 1983-84.

First of all, you have visited my classrom nine (9) times this School Year, 1983-84. Also, you have had two other administrators to visit my classes. The other two administrators were Mr. David Winters, Assistant Principal, and Mrs. V. Williams, Head Counselor. This is a total of eleven (11) visits by you, and other administrators the School Year

1983-84.

Your last two visits were April 12, 1984, and April 13, 1984. On April 12, 1984, when you came into my classroom, I had my Warm-up in operation on the overhead machine. Also, two students were trying to start a fight, and I was busy stopping this attempt to fight. I am very disappointed that You, as Principal, in the room, did not give me any assistance in preventing this attempt to fight on the part of the two students. You were only in my classroom three to five minutes, as an announcement came over the P.A. System for my 9th Grade Class, and all of the other 9th grade classes to pass to the auditorium for an assembly.

The next Day, April 13, 1984, you came to my classroom during the last five minutes of the sixth period, as we preparing to leave for the Spring Vacation.

We had ended the test. I had the students to pick up all of the paper on the floor, and arrange the desks in order. I was proceeding to talk to my class about why we take the Easter Vacation, when you came in and interupted me. I have the Right, as a Teacher, to inform the students about our heritage, and how to appreciate it, and protect it.

When you visited my classroom, you gave me a report of the visits. When Mr. Winters visited my classroom, he gave me a report of the visit. Mrs. V. Williams visited my classroom, and made out a very good report of the visit. I know this because I observed this as she was making out the report in my classroom. I asked my T.A., Mr. Gleason, to take a look, and he did. However, Mrs. V. Willaims has been prevented from giving me this report, by you. This is pure Racial

Discrimination conducted by You, as Principal.

Also, I have polled most of the Faculty here at Mann Jr. High. I has found that the faculty members were visited one, or two times by an administrator this School Year, 1983-84. While, on the other hand, I, Floyd H. Daniels, Teacher, has been visited by an administrator eleven (11) times this School Year. This is pure Racial Discrimination in employment, and harrassment conducted by you.

Also, when I pushed a student out of my face, after I had told him two (2) times to back off, you proceeded to get other students, and have them write statements about me. Ms. Marilyn Landau, and our UTLA UNION, had you to take this out of my record. Your statement, as follows, in pertinent part:

"We have distroyed all other

statements taken from students regarding this incident as 3/20/84."

This substantiates that you have conducted Racial Discrimination against Me, as a Black Teacher.

Based upon the above, I will meet with you in a conference when Ms. Marilyn Landau, and I, Floyd H. Daniels, can meet with you. This was our understanding some time ago, and the way things are now, there should be no change.

Respectfully Submitted,
Floyd H. Daniels
Floyd H. Daniels

P.S. I has asked Mrs. V. Williams, Head Counselor, for a report of her visitation to my classroom three or four times. I sent my T.A., Mr. Gleason to Mrs. Willaims to ask, and obtain the report. Still, I has not received the very good visitation report. Also, Mrs. Williams gave me some very good

compliments in my classroom before Mrs. Williams left the classroom. By the way, my T.A., Mr. Gleason, was sent to Mrs. Willaims two (2) times for the above report.

Floyd H Daniels

Copies: Ms. Marilyn Lanau, UTLA
File.